

Exhibit 1

1 A. DABBIERE

2 UNITED STATES DISTRICT COURT

3 EASTERN DISTRICT OF VIRGINIA

4 Alexandria Division

5 Case No. 1:20-cv-882

6
7 KERRY KENNEDY,)

8 Plaintiff,)

9 v.)

10 ALAN J. DABBIERE,)

11 Defendant)

12 and)

13 ALAN J. DABBIERE,)

14 Counter Claimant,)

15 v.)

16 KERRY KENNEDY,)

17 . Counter Defendant.)

18)

19
20 DEPOSITION OF ALAN J. DABBIERE

21 TAKEN REMOTELY BY VIDEOCONFERENCE

22 February 3, 2021

23
24 Reported by: Mary Ann Payonk

25 Job No. 189300

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2 A. Over years, people get rid of things.
3 Sometimes they only want one of something when
4 they have multiple. I know I've done that in
5 my personal situation where I've had a series
6 of things, but at some point I only want one of
7 them and I dispose of the others.

8 Q. So your position is that you're not
9 sure whether Justice Jackson is referring to
10 the same urn that's in dispute in this case?

11 A. Today, I am sure. In 2016, I was not
12 sure.

13 Q. What's changed?

14 A. The fact that I got a photograph in
15 2020 from the Jackson library that was
16 photographic evidence of the urn.

17 Q. And so you now understand Justice
18 Jackson in Exhibit 12 to be referring to the
19 urn that is in dispute in this case?

20 A. I do today.

21 Q. You were uncertain earlier?

22 A. Correct.

23 Q. Now, you mentioned that you have got
24 a copy of a photograph. Did you get that from
25 a person named Professor Barrett?

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2 Q. And what about the timing?

3 A. After the sale.

4 Q. Okay, let's go to Exhibit 4 now. And
5 it's another color version of the urn; correct?

6 A. Yes.

7 Q. On the front page it says Sotheby's;
8 correct?

9 A. Yes.

10 Q. And the second page has two color
11 pictures; correct?

12 A. Yes.

13 Q. And one's a picture of the home on
14 the left, and the other's a picture of I guess
15 some dogwoods or whatever in the lower right?

16 A. Yes.

17 Q. And we see on the right-hand side
18 there's the column heading Residence.

19 A. Yes.

20 Q. And the same "a tall Edwardian urn on
21 the front lawn" language as we've seen in
22 Exhibits 1, 2, and 3; correct?

23 A. Yes.

24 Q. On the last page, we see that this
25 one is also from 2004; correct?

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2 A. Correct.

3 Q. Where did you get this one from?

4 A. I think we got this one when we saw
5 the house in 2005.

6 Q. And why do you think that?

7 A. Because I recollect the Diane
8 Fentress name, and it wouldn't have shown up
9 anywhere further. So this was right around or
10 just after the time of the transition of real
11 estate agents from Sotheby's to Washington Fine
12 Properties. And so if I hadn't gotten this
13 then and had it, the Diane Fentress name just
14 would have never come to my attention because
15 Diane Fentress' name never shows up again in
16 any of the later brochures.

17 Q. And the Fentress name is on the last
18 page in the lower right?

19 A. Correct.

20 Q. Well, there's also right above her a
21 mention of Gossett as well; correct?

22 A. Of course.

23 Q. And Fentress was with Sotheby's?

24 A. I -- I really don't know that
25 history. We were invited into see the house in

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2 date of 2008; correct?

3 A. Correct.

4 Q. Same question I asked you before. Do
5 you recollect when you got Exhibit 6?

6 A. I don't.

7 Q. Do you know whether it was before or
8 after the closing?

9 A. I don't.

10 Q. Do you know where you got it from?

11 A. One of three sources. One is from
12 the real estate agents prior to purchasing the
13 home, or from the real estate agents or the
14 Kennedys after buying the home. But to be
15 honest, I just can't see enough difference
16 between version 5 and version 6 that my memory
17 today would tell me whether they handed me
18 number 5 or whether they handed me number 6 on
19 any given day.

20 Q. Okay.

21 A. What I do know is I had a lot of
22 them, and they were all in a file.

23 Q. Okay. What we have seen as we looked
24 through these is that the same "a tall
25 Edwardian urn" sentence existed unchanged in

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2 all six versions from 2003 to 2008; correct?

3 A. Correct.

4 Q. Now still looking at Exhibit 18, the
5 legal pleading, as you described it, let me ask
6 you to turn to page 3. Tell me when you're
7 there.

8 A. I'm there.

9 Q. I want to ask you to look at
10 paragraph 12, the paragraph numbered 12 on page
11 3.

12 A. Yes.

13 Q. I want to ask you about the last
14 sentence. This paragraph is about the
15 brochures; correct?

16 A. Correct.

17 Q. "These sales brochures implied that
18 the urn conveyed with the Hickory Hill
19 property." Do you see that statement?

20 A. I do.

21 Q. What do you mean that they implied?

22 A. I just feel when you describe a
23 property or a residence and you, in that
24 description, talk about an item, that you would
25 think that item comes with it.

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2 sales brochures, the representations," plural,
3 "by the Kennedy broker before closing and the
4 purchase agreement, defendant understood and
5 believed that the urn conveyed with
6 Hickory Hill."

7 Do you see that?

8 A. I do.

9 Q. Okay. Let's go to the first line.

10 "The representations," plural. Tell me what
11 representations, plural, more than one, were
12 made by the Kennedy broker --

13 A. Over the --

14 Q. -- and to whom they were made.

15 A. Over the years of 2007 and '08 and
16 probably early 2009 there was quite a bit of
17 phone activity and dialogue between me and Ted.
18 And in so many instances when he talked about
19 the history of the house, the provenance of the
20 house, the -- you could be the steward of this
21 beautiful property, the -- and the urn from
22 Hammersmith, and that came from Jackie and was
23 brought on this property by Jackie, this can
24 all be yours. Just raise your price, son.

25 He had an interesting way of

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2 communicating. He would always call me "my
3 boy." My boy, you just need to raise your
4 price.

5 Q. So it was in these pitch phone calls
6 where he would be trying to get you to raise
7 your price that he would say this?

8 A. Or live at the house, or live on the
9 property.

10 Q. Do you remember exactly how many
11 times this was said?

12 A. I don't remember the exact number,
13 but it was multiple.

14 Q. And it was always Gossett?

15 A. As I recollect.

16 Q. Now, in paragraph 17, after the
17 representations by the Kennedy broker before
18 closing, it then says "and the purchase
19 agreement, defendant understood and believed."
20 What in the purchase agreement led you to
21 understand and believe that the urn conveyed?

22 A. The fact that it was not excluded.

23 Q. Okay, let me take you to paragraph 23
24 on the next page, page 6. 23 says: "After
25 receiving the June 4, 2010, 12:21 p.m. email,

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2 Short questions will be clearer. To be --
3 sometime early in the construction, you caused
4 it to be moved from the lawn to some other
5 place?

6 A. Correct.

7 Q. Where was the other place?

8 A. I don't know.

9 Q. Who did the move?

10 A. Either the architects or the
11 builders.

12 Q. And you personally did not observe
13 that?

14 A. I did not.

15 Q. Where was it kept during the
16 construction?

17 A. I don't know.

18 Q. Where on the property has the urn
19 been located either by you or the Kennedys or
20 those before the Kennedys?

21 A. I don't know.

22 Q. I believe you've indicated that you,
23 in fact, did take the urn apart or disassemble
24 it; correct?

25 A. I see from Exhibit 20 it must have

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2 either singular --

3 A. I'm saying --

4 Q. -- or --

5 A. -- I just don't recollect. It could
6 have been one of us, both of us, or either one
7 of us.

8 Q. It's an ambiguity in English that the
9 word "you," Y-O-U, is both singular and plural.

10 A. Agree.

11 Q. Dropping down: "I still haven't had
12 official confirmation from Kerry about the urn
13 in the front of the house. Last I heard, a
14 fellow that works with her was coming to pick
15 it up this week."

16 Do you see that?

17 A. I do.

18 Q. So this same email from Ms. Phelan
19 mentions the stone planters and the urn
20 together.

21 A. And we believe -- I believe -- this
22 was the first time we'd heard about the urn, so
23 this was the trigger of an initial epiphany for
24 us that the urn suddenly was in question.

25 Q. Okay. Looking at the same email, at

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2 A. My wife's assistant.

3 Q. And she's on the -- I'm not trying to
4 do anything, I'm just trying to understand. Is
5 she on the staff of your house? She's a paid
6 employee of your family? How would you
7 describe her?

8 A. She's my wife's assistant.

9 Q. Is she paid for that?

10 A. She is.

11 Q. Okay. Is that a full-time job?

12 A. It is.

13 Q. Okay. And if she sends an email
14 about family business, can we agree that it
15 would have been authorized either by you or
16 your wife?

17 A. No.

18 Q. Okay, then let's look at the
19 Exhibit 41, the second email, excuse me, down
20 at the bottom from John Grimsley to Ms. Smith
21 dated May 21. And he's writing to Ms. Smith
22 and to Anne Phelan: "Please let me know what
23 days and times are available next week so I can
24 coordinate an on-site visit."

25 He's the person who's going to pick

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2 up the urn for Ms. Kennedy; correct?

3 A. I believe so, correct.

4 Q. And Nancy writes back a few hours
5 later at 11:39 a.m.: "Good morning, John."

6 Do you see that?

7 A. I do.

8 Q. "Thank you so much for your email.
9 At present, there is a disagreement between the
10 principals regarding the ownership of the urn
11 and at this time is my understanding that the
12 project," which I presume is the picking up of
13 the urn, "is on hold."

14 Do you see that?

15 A. I do.

16 Q. So as of May 21, there's a current
17 existing disagreement; correct?

18 A. Correct.

19 Q. And the disagreement is between the
20 principals. And the principals are you on the
21 one hand and Kerry Kennedy on the other hand;
22 correct?

23 A. Regarding the pickup of the urn.

24 Q. Yes.

25 A. Not necessarily the ownership of the